



Entered on Docket  
November 06, 2006

Hon. Linda B. Riegler  
United States Bankruptcy Judge

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of Holders of Executory Contract Rights through  
USA Commercial Mortgage Company

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

In re:  
USA SECURITIES, LLC,  
Debtor.

Affects:  
☒ All Debtors  
☐ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11

**STIPULATION AND ORDER  
TO EXTEND PROOF OF  
CLAIM BAR DATE FOR  
DIRECT LENDERS ONLY**

Date: N/A  
Time: N/A

1 IT IS HEREBY STIPULATED and AGREED, by and between Official Committee of  
 2 Holders of Executory Contract Rights through USA Commercial Mortgage Company ("Official  
 3 Committee of Direct Lenders") by and through its attorney, the law firm of Gordon & Silver;  
 4 Ltd., and USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty  
 5 Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital Trust Deed  
 6 Fund, LLC (collectively the "Debtors"), by and through their attorneys, the law firms of Ray  
 7 Quinney & Nebeker P.C. and Schwartz & McPherson Law Firm; the Office of the United  
 8 States Trustee (the "Trustee") by and through August B. Landis; the Official Committee of  
 9 Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "First Trust Equity  
 10 Holders Committee") by and through its attorneys, the law firms of Stutman Treister & Glatt and  
 11 Shea & Carlyon, Ltd.; the Official Committee of Unsecured Creditors of USA Commercial  
 12 Mortgage Company (the "Unsecured Creditors Committee") by and through its attorney, the law  
 13 firm of Lewis and Roca, LLP; and the Official Committee of Equity Security Holders of USA  
 14 Capital Diversified Trust Deed Fund, LLC (the "Diversified Trust Equity Holders Committee")  
 15 by and through its attorneys, the law firms of Orrick Herrington & Sutcliffe, LLP and Beckley  
 16 Singleton, Chtd. (collectively, the "Parties") the as follows:

17 WHEREAS, on April 13, 2006 (the "Petition Date"), the Debtors filed voluntary petitions  
 18 for relief under Chapter 11, Title 11 of the United States Code. The Court approved joint  
 19 administration without substantive consolidation on May 9, 2006.

20 WHEREAS, on the Petition Date, USA Commercial Mortgage Company was the servicer  
 21 for a portfolio of approximately 115 commercial mortgage loans, with a total balance of  
 22 approximately \$962 million. Most loans were funded by multiple parties, with over 3,600 direct  
 23 lenders (the "Direct Lenders") holding an interest in one or more loans.

24 WHEREAS, on September 14, 2006, the Court entered an Order Setting Deadline To File  
 25 Proofs of Claim And Proofs of Interest ("Bar Date Order") which established November 13,  
 26 2006 ("Bar Date") as the last date for individuals and entities, including Direct Lenders, to file a  
 27 proof of claim against the Debtors.

28 WHEREAS, Debtors prepared and sent the Direct Lenders aggregated statements for

1 their respective loans for the period from the inception of the loan to June 30, 2006 ("June  
2 Statements").

3 WHEREAS, Debtors also sent aggregated statements to Direct Lenders for their  
4 respective loans for the period from July 1, 2006 to August 31, 2006 ("August Statements").

5 WHEREAS, after the dissemination of the June Statements and August Statements, it  
6 became clear to the Debtors that there were a significant number of Direct Lenders who were  
7 still confused about the balances owed them on the loans.

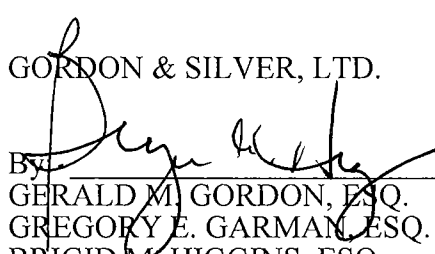
8 WHEREAS, in order to address the continuing confusion and misunderstandings of the  
9 Direct Lenders about the balances owed them on the loans, the Debtors have agreed to provide  
10 additional explanations to assist Direct Lenders in reading and understanding the June  
11 Statements and the August Statements and the information contained in those statements and to  
12 conduct an informational session for Direct Lenders as a means of providing these additional  
13 explanations.

14 WHEREAS, the Debtors, the Official Committee of Direct Lenders, the FTDF  
15 Committee, the Unsecured Creditors Committee, the Diversified Trust Equity Holders  
16 Committee and the U.S. Trustee's Office have agreed to extend the Bar Date for Direct Lenders  
17 only for a period of sixty (60) days through January 13, 2007.

18 NOW, THEREFORE, the Parties hereby stipulate and agree as follows that the Bar Date  
19 to file Proofs of Claim is hereby extended through and including January 13, 2007 for the Direct  
20 Lenders only.

21 DATED this 2nd day of November, 2006.

22 GORDON & SILVER, LTD.

23 By:   
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through USA Commercial Mortgage Company

SCHWARTZER & MCPHERSON LAW  
FIRM

By: /s/ Lenard E. Schwartzer,  
LENARD E. SCHWARTZER, ESQ.  
JEANETTE E. MCPHERSON, ESQ.

And

RAY QUINNEY NEBEKER, P.S.  
ANNETTE W. JARVIS, ESQ.

Attorneys for Debtors

OFFICE OF THE UNITED STATES  
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By: \_\_\_\_\_  
FRANK A. MEROLA, ESQ.  
EVE H. KARASIK, ESQ.  
ANDREW M. PARLEN, ESQ.

and

and

BECKLEY SINGLETON, CHTD.  
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Capital Diversified Trust Deed Fund, LLC

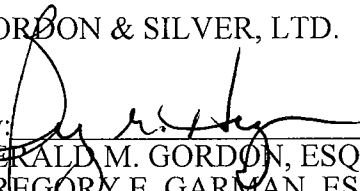
Attorneys for the Official Committee  
of Equity Security Holders of USA  
Capital First Trust Deed Fund, LLC

**ORDER**

IT IS SO ORDERED that the Bar Date to file Proofs of Claim is hereby extended through  
and including January 13, 2007 for the Direct Lenders only.

PREPARED AND SUBMITTED

GORDON & SILVER, LTD.

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